

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 17-1003 AB (MRWx)	Date	November 16, 2017
Title	Rassoli v. Wells Fargo Bank		

Present: The Honorable Michael R. Wilner

Veronica Piper

n/a

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

None present

Attorneys Present for Defendant:

None present

**Proceedings:** ORDER TO SHOW CAUSE

1. Defendant filed a discovery motion that is not in the joint format mandated under the Local Rules. (Docket # 62.) The motion is accompanied by a statement that indicates that Plaintiff did not provide her/his portion of the joint motion before the moving party filed it and failed to confer in accordance with this Court's Local Rule 37-1. (Docket # 62-2 at 4-5.)

2. A party's failure to file a required document within a deadline set by local rule or to cooperate in the submission of a joint discovery motion "may be deemed consent to the granting [ ] of the motion." Local Rule 7-12. Therefore, Plaintiff is ORDERED TO SHOW CAUSE for the failure to comply with the joint filing process and to submit a substantive response to the discovery motion by November 29, at 12:00 p.m. If the Court does not receive any submission, the motion will be granted as unopposed under local rule without further proceedings. The Court will also award expenses to the moving party as required under Federal Rule of Civil Procedure 37(a)(5).

\* \* \*

3. That said, the Court is a bit baffled by Defendant's demand that Plaintiff provide "objectionless responses" to the request for production of documents. Based on the Court's preliminary review of the materials, Plaintiff muttered generalized and obviously boilerplate objections (referencing state civil procedure sections and "these interrogatories") to the document requests. (Docket # 62-2 at 51.) But there was no statement in the response that Plaintiff failed to produce any documents on the basis of any asserted objection.

4. Federal Rule of Civil Procedure 34(b)(2)(C) (amended in 2015) covers this. A litigant's objection to a document request "must state whether any responsive materials are being withheld on the basis of an objection." If not, you produce it all. While Defendant is

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surely entitled to the production of all responsive and relevant items during discovery, I'm not sure what the point is to order Plaintiff to prepare a piece of paper that conforms to what the rule already says – and won't alter Plaintiff's already-existing discovery obligations.

5. And Defendant need not fear Plaintiff showing up on the eve of trial with additional materials to advance the case that were not produced during the pretrial stage. Judge Birotte and I know how to enforce the preclusion provisions of Rule 37 in the event of discovery misconduct.